



PATENT

3-10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/978,169 Confirmation No. 3948
Applicant : Hitoshi SUZUKI et al.
Filed : October 17, 2001
TC/A.U. : 3763
Examiner : Kathryn L. Thompson
Dkt. No. : MRI-014
Cust. No. : 20374

RECEIVED
MAR 09 2004
TECHNOLOGY CENTER R3700

**RESPONSE TO RESTRICTION REQUIREMENT AND
ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 3, 2004

Sir:

This paper is submitted in response to the Office Action dated October 3, 2003. A petition for a four-month extension of the period for responding to the Action is submitted herewith.

The Action includes restriction and election of species requirement. Restriction is required between:

- (I) Claims 1-16, identified in the Action as being directed to a needle point covering member, and
- (II) Claims 17-19, identified in the Action as being directed to a method of assembling the injection needle.

PATENT APPLN. NO. 09/978,169
RESPONSE TO RESTRICTION REQUIREMENT AND
ELECTION OF SPECIES REQUIREMENT

PATENT

Applicants elect the subject matter of Group (I), claims 1-16 for prosecution in this application. This election is made without traverse to the extent that the restriction is modified to include claims 18 and 19 in Group (I). Claims 18 and 19 should be included with the Group (I) invention since they are directed to a syringe having a needlepoint-covering member as recited in the Group (I) claims. Applicants' rights under 35 U.S.C. §§ 120 and 121 to the filing of a divisional application directed to the non-elected subject matter are retained.

An election of one of the following species:

- | | | |
|---------------|----------------|---------------|
| (A) Figure 1 | (F) Figure 14 | (K) Figure 29 |
| (B) Figure 5 | (G) Figure 22 | (L) Figure 31 |
| (C) Figure 8 | (H) Figure 25 | (M) Figure 32 |
| (D) Figure 12 | (I) Figure 27 | (N) Figure 33 |
| (E) Figure 13 | (J) Figure 28, | |

and an election of one of the following subspecies of the invention relating to the triggering mechanism:

- (a) Figure 20
- (b) Figure 21,

are also required in the Action.

Applicants elect (F) (Figure 14) as the species and (a) (Figure 20) as the subspecies. These elections are also made without traverse.

Claims 1, 3-5 and 7-14 read on Group (F) (Figure 14) and claims 1, 4 and 7-14 read on Group (a) (Figure 20).

Additionally, although the Office states in the Action that no claims are generic, claim 1 is believed to be generic to Figures 1-7, 14-18, 20-21 and 31-33 and claim 4 is believed to be generic to Figures 8-18 and 20-26.

The foregoing is believed to be a complete and proper response to the Office Action dated October 3, 2003, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

PATENT APPLN. NO. 09/978,169
RESPONSE TO RESTRICTION REQUIREMENT AND
ELECTION OF SPECIES REQUIREMENT

PATENT

In the event any additional fees are required, please also
charge our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



Keiko Tanaka Kubovcik
Reg. No. 40,482

The Farragut Building
Suite 710
900 17th Street, N.W.
Washington, D.C. 20006
Tel: (202) 887-9023
Fax: (202) 887-9093
KTK/cfm